

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

27.11.05

28.11.05 not 15

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/000544

International filing date (day/month/year)
20.01.2005

Priority date (day/month/year)
28.01.2004

International Patent Classification (IPC) or both national classification and IPC
G01D11/00, G01F23/26, G11B33/00

Applicant
VEGA GRIESHABER KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/000544

AP2004330

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/000544

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11,13-17,19-22
	No: Claims	12,18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2005/000544

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US-A-4 737 787 (ITO ET AL) 12 April 1988
- D2: DE 196 06 747 A1 (SCHARCO ELEKTRONIK GMBH & CO KG, 42277
WUPPERTAL, DE) 28 August 1997
- D3: DE 299 03 260 U1 (SIEMENS AG) 13 April 2000
- D4: DE 101 13 646 A1 (ABB RESEARCH LTD., ZUERICH) 26 September 2002
- D5: US-B1-6 402 031 (HALL DONALD R) 11 June 2002
- D6: DE 39 15 456 A1 (HERION-WERKE KG, 7012 FELLBACH, DE) 15 November 1990

Independent claim 1 - Lack of inventive step

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document) a power supply device (fig. 1, no. 5) wherein the power supply device is adapted to be disposed and connected electrically between the display and adjustment unit (fig. 1, no. 2 and 3 and column 3, lines 18-19) and the low power sensor unit (fig. 1, no. 1 and column 1, lines 15-17), enabling for the display and adjustment unit and the low power sensor unit to be energized simultaneously and enabling data communication between the display and adjustment unit and the low power sensor unit (see fig. 1, no. 6 and column 2, line 46 to column 3, line 35).

The subject-matter of claim 1 therefore differs from this known device in that its components are modular.

The device proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reason:

A modular construction of sensor devices is generally known to the person skilled in the art as being advantageous (see e.g. D2 - D5). Especially in view of the in D1 described different separate "units", the skilled person would therefore regard it a normal design procedure realize these units as separated modules.

Independent claims 12 and 18 - Lack of inventive step

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 12 and 18 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D5 discloses (the references in parentheses applying to this document):
a modular measuring system (see fig. 1) comprising
a sensor unit (101)

a display and control unit (103) and

a power supply device (104) energizing the other modules,

that are detachably connectable to each other and which are adapted to be brought into an electrical contact with each other.

D5 describes a wide variety of sensors and power supply choices (see column 12, lines 56-65). Therefore the skilled person would regard it a normal design procedure to apply this modular design also to low power sensors.

Dependent claims

The respective dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step. From the cited documents D1 to D6 the claimed features are either known or relate only to slight constructional changes which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.